

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) CRIMINAL NO. 04-10379-JLT
)
v.) VIOLATIONS:
)
PETERSON DUMORNAY)
JUDE CELESTIN) 18 U.S.C. § 1344 (Bank Fraud)
Defendants.) 18 U.S.C. § 2 (Aiding & Abetting)
)

INDICTMENT

The Grand Jury charges that at all times material to this Indictment:

INTRODUCTION

1. PETERSON DUMORNAY ("DUMORNAY") lived in Roxbury, Massachusetts. DUMORNAY was employed by Fleet Bank/Bank of America ("Bank of America") as a Personal Banker. In that capacity he had access to the Bank of America computer system that allowed him to view information regarding customer accounts.

2. JUDE CELESTIN ("CELESTIN") lived in Mattapan, Massachusetts. CELESTIN was employed by Fleet Bank/Bank of America ("Bank of America") as a Personal Banker. In that capacity he had access to the Bank of America computer system that allowed him to view information regarding customer accounts.

THE SCHEME TO DEFRAUD

3. From in or about May 2004 through in or about November 2004, DUMORNAY accessed the bank account information of numerous customers of Bank of America. These customers were often, but not exclusively, corporations involved in the construction or real estate businesses. CELESTIN accessed the same type of bank account information from in or about

June 2004 through in or about November 2004.

4. At all times relevant to this Indictment, Fleet Bank and Bank of America were financial institutions whose deposits were insured by the FDIC.

5. Each time DUMORNAY and CELESTIN reviewed a specific account, they would examine several pieces of information about the customer's banking history. This information included, but was not limited to, the name of the person who had check signing authority for each customer's account, the account balance in each account, and the check number of recently cashed checks in each such account.

6. DUMORNAY and CELESTIN, working with others not known to the Grand Jury, then arranged to create forged checks which purported to draw on these accounts.

7. The forged checks appeared to be signed by the person with the appropriate signing authority for each customer's account, was for an amount that was less than the total amount held in each customer's account, and was numbered a few numbers ahead of each customer's most recently cashed checks, thereby giving the appearance that the check was a legitimate check written by the customer.

8. The forged checks were made out in the true names of numerous individuals ("runners"). The runners then went into a Bank of America branch and cashed the checks or deposited the checks into their own accounts at other banks and subsequently withdrew funds from these accounts.

9. In total, the scheme resulted in a net loss to Bank of America of over \$1,000,000.

10. DUMORNAY and CELESTIN were each individually responsible for in excess of \$400,000 in net losses to Bank of America.

COUNTS ONE AND TWO
DUMORNAY AND CELESTIN
(Bank Fraud – 18 U.S.C. § 1344(1))

THE GRAND JURY FURTHER CHARGES THAT:

11. Paragraphs 1 through 10 are realleged and incorporated by reference as though fully set forth herein.

12. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendants,

**PETERSON DUMORNAY and
JUDE CELESTIN**

did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain money, funds and other property owned by and under the custody and control of federally insured financial institutions, namely Fleet Bank/Bank of America, through false statements, representations and pretenses, and for the purpose of executing this scheme and attempting to do so, did cause the withdrawal of money from the accounts of legitimate account holders without either the account holders' or the banks' permission as follows:

COUNT **DATE (on or about)** **TRANSACTION**

1	9/24/04	Forged check for \$4,957.23 drawn on the account of Realty Association Fund III cashed at North Manchester, New Hampshire
2	10/16/04	Forged check for \$6,750.00 drawn on the account of Realty cashed at Braintree, Massachusetts

All in violation of Title 18, United States Code, Sections 1344(1) and 2.

COUNTS THREE THROUGH SIX
DUMORNAY ONLY
(Bank Fraud - 18 U.S.C. § 1344(1))

THE GRAND JURY FURTHER CHARGES THAT:

13. Paragraphs 1 through 10 are realleged and incorporated by reference as though fully set forth herein.

14. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

PETERSON DUMORNAY

did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain money, funds and other property owned by and under the custody and control of federally insured financial institutions, namely Fleet Bank/Bank of America, through false statements, representations and pretenses, and for the purpose of executing this scheme and attempting to do so, did cause the withdrawal of money from the accounts of legitimate account holders without either the account holders' or the banks' permission as follows:

<u>COUNT</u>	<u>DATE (on or about)</u>	<u>TRANSACTION</u>
3	5/21/04	Forged check for \$4,322.52 drawn on the account of Starr Realty, Inc. cashed at Needham, Massachusetts
4	9/17/04	Forged check for \$3,681.27 drawn on the account of Suffolk Construction Company cashed at Kittery, Maine
5	10/4/04	Forged check for \$5,386.21 drawn on the account of Americana cashed at Cape Elizabeth, Maine
6	10/20/04	Forged check for \$2,391.05 drawn on the account of Tata & Howard, Inc. cashed at North Attleboro, Massachusetts

All in violation of Title 18, United States Code, Sections 1344(1) and 2.

COUNTS SEVEN THROUGH TEN
CELESTIN ONLY
(Bank Fraud – 18 U.S.C. § 1344(1))

THE GRAND JURY FURTHER CHARGES THAT:

15. Paragraphs 1 through 10 are realleged and incorporated by reference as though fully set forth herein.

16. On or about the dates set forth below, in the District of Massachusetts and elsewhere, the defendant,

JUDE CELESTIN

did knowingly and willfully execute and attempt to execute a scheme and artifice to obtain money, funds and other property owned by and under the custody and control of federally insured financial institutions, namely Fleet Bank/Bank of America, through false statements, representations and pretenses, and for the purpose of executing this scheme and attempting to do so, did cause the withdrawal of money from the accounts of legitimate account holders without either the account holders' or the banks' permission as follows:

COUNT **DATE (on or about)** **TRANSACTION**

7	6/10/04	Forged check for \$4,795.87 drawn on the account of Westbank Realty Corporation cashed at North Providence, Rhode Island
8	6/16/04	Forged check for \$6,758.74 drawn on the account of Westray Realty Corporation cashed at Providence, Rhode Island
9	7/13/04	Forged check for \$6,975.24 drawn on the account of Westgate Recruiting LLC cashed at North Dartmouth, Massachusetts

10

10/23/04

Forged check for \$5,700.00 drawn on the account of
Dorchester Real Estate cashed at Boston, Massachusetts

All in violation of Title 18, United States Code, Sections 1344(1) and 2.

Notice of Additional Factors:

The Grand Jury further charges that:

The offenses charged in counts One through Ten of this Indictment:

- (a) involved ten or more victims, as described in U.S.S.G. § 2B1.1(b)(2)(A)(i); and
- (b) defendant DUMORNAY abused a position of public and private trust in a manner that significantly facilitated the commission and concealment of the offense charged in the Indictment, as described in U.S.S.G. § 3B1.3.
- (c) defendant CELESTIN abused a position of public and private trust in a manner that significantly facilitated the commission and concealment of the offense charged in the Indictment, as described in U.S.S.G. § 3B1.3.

A TRUE BILL

W. Nease
FOREPERSON OF THE GRAND JURY

Seth P. Berman
Seth P. Berman
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS

December 15, 2004

Returned into the District Court by the Grand Jurors and filed.

Mark Russo
Mark Russo
Deputy Clerk
a) 3:50 pm
12/15/04

Place of Offense: _____

Category No. II Investigating Agency FBICity Boston and Elsewhere

Related Case Information:

County Suffolk and Elsewhere

Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name Peterson Demornay Juvenile Yes No

Alias Name _____

Address 46 Birchwood Road #428 Randolph, MABirth date (Year only): 1980 SSN (last 4 #): 1072 Sex M Race: Black Nationality: USA

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA Seth Berman Bar Number if applicable _____Interpreter: Yes No List language and/or dialect: _____Matter to be SEALED: Yes No Warrant Requested Regular Process In Custody

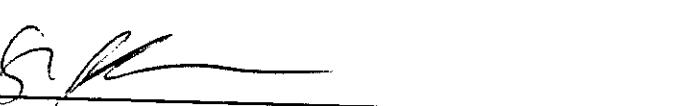
Location Status:

Arrest Date: _____

 Already in Federal Custody as _____ in _____ Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony 7

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: Decemebr 15, 2004Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Peterson Dumornay

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. §1344</u>	<u>Bank Fraud</u>	<u>One-Six</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION:

Place of Offense: _____

Category No. II

Investigating Agency FBI

City Boston and Elsewhere

Related Case Information:

County Suffolk and Elsewhere

Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant _____
 Magistrate Judge Case Number _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name Jude Celestin

Juvenile Yes No

Alias Name _____

Address 444 Norfolk Street, Mattapan, MA

Birth date (Year only): 1982 SSN (last 4 #): 2316 Sex M Race: Black Nationality: USA

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA Seth Berman Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: _____Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date: _____

Already in Federal Custody as _____ in _____

Already in State Custody _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by _____ on _____

Charging Document: Complaint Information IndictmentTotal # of Counts: Petty Misdemeanor Felony 7

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: December 15, 2004

Signature of AUSA: 

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Jude Celestin

U.S.C. Citations

Index Key/CodeDescription of Offense ChargedCount Numbers

Set 1	<u>18 U.S.C. §1344</u>	<u>Bank Fraud</u>	<u>One -Two, Seven-Ten</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: